

EXPANDED AGENDA

Board of Adjustment, District 1

May 23, 2012

Cochise County Service Center,

4001 E. Foothills Drive (in the former Courtroom)

Sierra Vista, Arizona

6:00 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and applicant can have 5 minutes for rebuttal at end, if appropriate).

Determination of Quorum

Approval of Previous Minutes

Call to the Public

NEW BUSINESS

Item 1 - Introduce Docket and advise public who the applicants are.

Docket BA1-12-03 (FEDEX): The Applicant is requesting a Variance to Section 1804.07.B of the Zoning Regulations, which requires that driveways, parking and loading areas for non-residential uses accessing a paved road be paved.

The subject parcel (Parcel # 107-23-010) is located at 6759 E. Little Michigan Road in Sierra Vista, AZ. The Applicant is Mary Burns of Vortex Engineering and Architecture, on behalf of FEDEX Corporation.

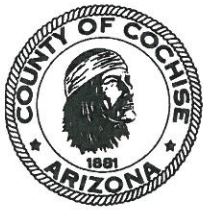
Call for PLANNING DIRECTOR'S PRESENTATION

- Declare PUBLIC HEARING OPEN
- Call for APPLICANT'S STATEMENT
- Call for COMMENT FROM OTHER PERSONS (either in favor or against)
- Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Item 2: Call for Planning Director's Report

ADJOURNMENT



COMMUNITY DEVELOPMENT DEPARTMENT
Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: District 1 Board of Adjustment
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, Community Development Director
SUBJECT: Docket BA1-12-03 (FEDEX)
DATE: May 14, 2012, for the May 23, 2012 Meeting

Docket BA1-12-03 (FEDEX): The Applicant is requesting a Variance to Section 1804.07.B of the Zoning Regulations, which requires that driveways, parking and loading areas for non-residential uses accessing a paved road be paved.

The subject parcel (Parcel # 107-23-010) is located at 6759 E. Little Michigan Road in Sierra Vista, AZ. It is further described as being situated in Section 33 of Township 21, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Mary Burns of Vortex Engineering and Architecture, on behalf of FEDEX Corporation.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 2.59 Acres
Zoning: LI – Light Industrial
Growth Area: Category A – Urban Growth Area
Plan Designation: Enterprise
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: FEDEX Truck Depot/Distribution Center
Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	LI	Undeveloped Land
South	GC (Sierra Vista)	Heavy Commercial and Undeveloped Land
East	UR (Sierra Vista)	Undeveloped Land
West	GC (Sierra Vista)	Undeveloped Land

II. PARCEL HISTORY

2004 – Permit issued to establish a Contract Construction Services business.

Just prior to the permitting of the above business, several events converged on the property and immediate vicinity: the City of Sierra Vista and Cochise County entered into an inter-governmental agreement (IGA) to pave Little Michigan Road, and the owner of the property, Mr. Warren Graves, and a number of other owners along the road entered into agreements to make contributions for the future improvement of this road. At the same time, Mr. Graves informed the County that he intended to lease the Western portion of the property to FEDEX for a future distribution center. At that time, it was decided that because the road had not yet been paved, and because the owner had just made a contribution to the future road improvements, on-site paving would not be required. The permit referenced above was amended in January 2005 to change the location of the operation on the property, in order to accommodate the proposed FEDEX depot. The road was declared a County road and the paving project was completed mid 2005.

December 2005 – Permit to establish FEDEX depot on the property, including a 16' x 50' modular dock, 8' x 28' modular office and land clearing (2 acres);

July 2008 – Permit to construct additional 480 square foot modular loading dock;

August 2008 – Permit to install additional 300 square foot office and wooden deck;

April 2012 – Permit issued for parking and security upgrades; this permit triggered the site development standard requiring on-site paving.



Above: FEDEX depot; Below: view of the current entryway.



III. PROJECT DESCRIPTION

FEDEX, represented by Vortex Engineering and Architecture, has applied for a number of permits since 2005 to establish and expand the distribution center on this property. Due to decisions made in consideration of the circumstances referred to in Section II of this Memo, those permits were exempted from the paving standard. Section 1804.07 of the Zoning Regulations defines the development standards related to site surfacing. A 2-inch deep gravel surface is allowed when a site accesses a dirt road. However, in Category A Growth Areas, a paved surface is required for internal driveways, parking and loading areas whenever a site accesses a paved road.



Above: Gravel surface in high-traffic area with dust encroachment. Below: same surface treatment in lower-traffic area.



IV. ANALYSIS OF IMPACTS

The project site is located along Little Michigan Road, which was paved by the County under an IGA in 2005, around the time that the use was established on the property. The permit which triggered the development standard under consideration is for parking and security upgrades. Part of this proposal is for a new driveway leading to the rear of the property (See Attachment C – Site Plan). Although the Applicant has proposed a gravel surface for the property, and two concrete aprons to preserve the Little Michigan Road paved surface, high-volume truck traffic on the site can eventually contribute to blowing dust as the gravel surface is dispersed, compacted and/or overtaken by dust in the future. In fact, as the photos on this page show, such conditions

are already taking place on the property in more highly-trafficked areas. Finally, as the site is within a Light Industry District in a Category A Growth Area, a paved surface is appropriate.

V. PUBLIC COMMENT

The Department sent notices to neighboring property owners within 300 feet. Staff posted the property as required, and advertised the request in the *Bisbee Observer* on May 3, 2012. To date, the Department has received no correspondence for or against the request.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Approval

None Apparent.

Factors Against Approval

1. The circumstances under which the site was originally exempted from the paving standard have changed since 2004. Little Michigan Road was paved around the same time that the use was established on this property, and the County provided relief from the paving standard to the Applicant for subsequent permits; the delay in requiring the site to be paved was enacted in consideration of the property owners' recent contribution to off-site improvements to the road; and
2. As a land use in a Category A Growth Area in a Light Industrial District, involving a high volume of truck traffic, staff's position is that a paved surface is appropriate for this site, and in keeping with County zoning standards.

VII. RECOMMENDATION

Based on the factor in favor of approval, Staff recommends **denial** of the requested Variance.

Sample Motion: *Mr. Chair, I move to deny Docket BAI-12-03, regarding the paving standard Variance as requested by the Applicant; the Factors Against Approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan

COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
Melody Lane, Bisbee, Arizona 85603

(520) 432-9240 1415
Fax 432-9278

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT One (1).

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District One to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 107-23-010

2. Address of parcel: 6759 East Little Michigan Road, Sierra Vista, AZ 85635

3. Area of Parcel (to nearest tenth of an acre): 2.58 acres

4. Zoning District designation of Parcel: LI – Light Industry – Category A - Enterprise

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

FedEx Ground package handling facility – packages arrive and depart via line haul trucks. Incoming packages are sorted in the modular docks and delivered locally by vans. Package sorting and loading activities take place primarily in the early morning hours before 8 – 9 a.m. Local delivery vans leave the site, typically no later than 9:00 a.m. and return in the late afternoon with packages picked up during the day.

Buildings on site consist of: one (1) 12'x45' Modular Office Building; one (1) 10'x30' Modular Quality Assurance Dock; one (1) 12'x50' Modular Dock & one (1) 12'x40' Modular Dock (the two (2) docks are attached to each other for a total dock length of 90'.

6. Describe all proposed uses or structures, which are to be placed on the property.

There is no change of use on the property or with respect to operations; there are no new buildings proposed. The proposed site improvements are for security purposes only and consist of: installation of perimeter fencing to meet FedEx standards; 30' motorized overhead truss gate with keypad access for truck & van entry only; segregated employee parking area with vehicle height restriction gate; keypad access turnstile for employee entrance; new driveway for access to employee parking area; handicapped parking adjacent to the existing office and site lighting.

7. State the specific nature of the variance or variances sought.

Variance is sought for exemption from the requirement to pave the entire FedEx Ground site per Cochise County Zoning Ordinance 1804.07 B. Category A (Urban Growth) Areas. This Ordinance requires that "If any roads accessed by the use are improved with a double bituminous surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and driveways be improved per the standards in this section within 6 months from the date of building permit issuance for the expansion."

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

The existing driveway, parking and truck traffic areas of the FedEx Ground facility are stone pavement. Adherence to County Ordinance would require over 2 acres of asphalt pavement, adding an excessive expense. Further, paving of the entire site would create an impervious surface, requiring the acquisition by FedEx of increased lease area to accommodate stormwater retention/detention; thus adding substantial costs to the project. FedEx Ground does not own the property but will shoulder the cost of all proposed improvements to the site. The site is in a relatively undeveloped area and until very recently, East Little Michigan Road was not paved. In fact, the pavement ends just a short distance past the FedEx site. Attached photos depict the rural undeveloped character of the surrounding properties and show the existing on-site stone pavement to be in good condition and well maintained.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The variance will not cause injury to or impair the rights of surrounding property owners; the property on each side of the FedEx facility is owned by the property owner that leases the site to FedEx. There is no change to the existing use of the property and FedEx has operated at this site for over 5 years with no known complaints or problems with other businesses in the area. FedEx proposes to pave the existing drive as well as the proposed driveway at the entrances to East Little Michigan Road, thus mitigating any tracking of stone pavement onto the roadway. The attached photos of existing conditions do not indicate that there is currently a problem with tracking of site surface materials onto the roadway.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Warren P. Graves

6044 E. Mark Drive, Sierra Vista, AZ 85635

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

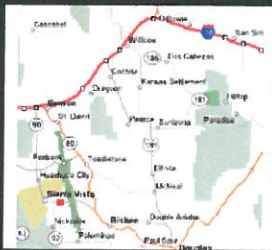
2394 Patterson Road, Grand Junction, CO 81505

Vortex Engineering & Architecture, Inc. on behalf of FedEx Ground Package Systems, Inc.

APPLICANT'S PHONE NUMBER 970-245-9051 Robert W. Jones II or Mary Burns

APPLICANT'S EMAIL ADDRESS rjones@vortexeng.us / mburns@vortexeng.us

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



Docket BA1-12-03 (FEDEX) Location Map

This map is a product of the
Cochise County GIS



0' 1" = 573'

